

ASSEMBLY BILL

No. 1774

Introduced by Assembly Member Canciamilla

January 9, 2002

An act to amend Section 3340 of the Civil Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1774, as introduced, Canciamilla. Animals.

Existing law provides for the award of exemplary damages if an injury to an animal resulted from a willful or grossly negligent act.

This bill would authorize the trier of fact to award noneconomic damages, as specified, if the death of a pet, as defined, resulted from an unlawful, intentional, or negligent act.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3340 of the Civil Code is amended to
2 read:

3 3340. (a) For wrongful injuries to ~~animals being subjects of~~
4 ~~property, an animal~~ committed willfully or by gross negligence,
5 ~~in disregard of humanity, exemplary damages may be given are~~
6 *recoverable.*

7 (b) *If a person commits an unlawful, intentional, or negligent*
8 *act that results in the death or an injury leading to the death of a*
9 *pet, the trier of fact may award the owner of the pet up to five*
10 *thousand dollars (\$5,000) in noneconomic damages from the*
11 *person that committed the act.*

1 (1) *For purposes of this section, “pet” means any domesticated*
2 *bird, cat, dog, or aquatic animal kept within an aquarium.*

3 (2) *For purposes of this section, noneconomic damages*
4 *awarded shall be limited to the compensation for the loss of the*
5 *reasonably expected society, companionship, and love and*
6 *affection of the pet.*

7 (3) *The monetary limitations on noneconomic damages, as*
8 *provided in subdivision (b), shall not apply to any other cause of*
9 *action.*

